

2012

**CONSTRUCTION AND PROFESSIONAL SERVICES  
PROCUREMENT AND POLICY MANUAL**



**CITY OF  
CLARKSTON**

**where possibilities grow**

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**City Manager**

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## **I. GENERAL INFORMATION**

### **A. INTRODUCTION**

The purpose of the City of Clarkston's 'Construction and Professional Services Procurement Policy & Manual' is to assist prospective contractors and professional service firms with understanding the city's procurement policy and procedures and to instruct them on the proper procedures for doing business with the City of Clarkston. This manual is intended to be representative of information and procedures which prospective contractors and professional service firms can utilize when doing business with the City of Clarkston. If specific questions arise that are not answered in this material, firms can address questions to:

The City of Clarkston Finance Department; 3921 Church St, Clarkston, Georgia 30021,  
Phone: 404-296-6489, Fax: 404-296-6480

The policy of the City of Clarkston is to provide for the fair and equitable treatment of all persons involved in public procurement for contracting and professional services, to maximize the value of the public funds in procurement of these services and to provide safeguards for maintaining a procurement system of integrity and quality. The policies and procedures are established and designed to ensure that all city funds are expended in accordance with sound business practice and to meet the requirements of federal and state agencies that could assist in financing all or a portion of the construction and/or professional services within the City of Clarkston.

### **B. INSPECTION OF RECORDS**

Copies of documents are available in accordance with the State of Georgia Open Records Act, O.C.G.A. Section 50-18-71.

Once a bid or procurement is awarded, it is considered to be open for review by the general public. If a bidder or other interested party is interested in viewing the bid, an appointment should be made with the Finance Director or City Manager for an appointment to review the document.

Information regarding proposals will not be available for inspection by the public until an award of the contract is made.

## C. DEFINITIONS

For the purpose of this policy, the following terms, phrases, and words shall have the meaning given herein unless the context in which they are used clearly requires a different meaning:

*Bid Bond* – the bid bond acts as a guarantee that the contractor will honor a submitted bid and sign a contract for the project at that amount if they are selected as the lowest and most responsive bidder as defined by the bid documents. Bid bonds can be retained by the city if the contractor chooses not to move forward with the contract within a time period as defined by the bid documents.

*Blind Trust* means an independently managed trust in which the employee-beneficiary has no management rights and in which the employee-beneficiary is not given notice of alterations in, or other dispositions of, the property subject to the trust.

*Business* means any corporation, partnership, individual, sole proprietorship, Joint Stock Company, joint venture or any private legal entity

*Change Order* means a written order signed and issued by the City Manager, directing the contractor or professional services firm to make changes in the “changes” clause of the contract which authorizes the City Manager to order without the consent of the contractor or professional services firm.

*Confidential Information* means any information which is available to an employee because of the employee’s status as an employee of the city and is not a matter of public knowledge or available to the public on request

*Construction* means the process of building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

*Contract* means all types of city agreements, regardless of what they may be called, for the procurement of construction or professional services.

*Employee* means an individual drawing a salary or wages from the city, whether elected or not.

*Payment Bond* - A Payment Bond guarantees that the contractor will pay the labor and material costs they are obliged to.

*Performance Bond* - A performance bond is a surety bond issued by an insurance company or a bank to guarantee satisfactory completion of a project by a contractor.

Professional Services means those services within the scope of the practice of architecture, engineering, land surveying, planning, testing, special studies, financial management, fiscal advising, legal, court reporting, real estate appraising, accounting, insurance and medical

Note: The City of Clarkston defines a “professional” in accordance with Black’s Law Dictionary, as follows: A vocation, calling, occupation or employment involving labor, skill, education, special knowledge and compensation or profit, but the labor and skill involved is predominately mental or intellectual, rather than physical or manual.

Specifications mean any description of the physical or functional characteristics or of the nature of a professional service or construction item. It may also include a description of any requirement for inspecting, testing or construction item.

## **II. RELATIONSHIP WITH SERVICE PROVIDERS**

### **A. MEETINGS**

Unless specifically excluded in the bidding documents, potential or current service providers are welcome to meet with the City Manager and/or Finance Director for legitimate reasons. Appointments should be scheduled in advance to ensure that the appropriate staff will be available.

### **B. MINORITY, WOMAN-OWNED, and SMALL BUSINESS ENTERPRISE**

It is the policy of the City of Clarkston to take steps to ensure the participation of qualified Minority, Woman-Owned and Small Business Enterprises in State and Federally-funded procurement of contractors and professional services.

The Finance Director, under the guidance of the City Manager, will work to ensure that these businesses are included in all solicitations for contracting and professional services whenever feasible.

### **C. U.S. DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE**

As a condition to receive any federal financial assistance from the U.S. Dept. of Transportation the City of Clarkston must provide assurances that it will comply with Title VI of the Civil Rights Act of 1964 and various other federal regulations pursuant to the implementation of this act. Generally, Title VI requires the city to assure the following;

1. The city will not discriminate on the basis of race, color, sex or national origin
2. The city will operate each program and facility pursuant to all applicable laws
3. The city will include a nondiscrimination clause in all solicitations for bids

4. The city will include specific nondiscrimination notices in the contracts subject to the act and regulations
5. The city will extend those nondiscrimination provisions to include any facilities that may be constructed with federal financial assistance
6. The city will administer the program in a manner that provides reasonable guarantees that other recipients like sub-grantees, contractors, sub-contractors, transferees, successors and interests and other participants of these federal financial assistant programs will comply with the requirements of this act.

### **III. ETHICS AND UNLAWFUL ACTIONS**

#### **A. GENERAL**

The City of Clarkston follows State of Georgia Ethics in Government Act, O.C.G.A. §21-5-1; code of ethics and conflict of interest, O.C.G.A. §45-10-1 et seq.

In addition, the City of Clarkston prescribes to the following additional provisions relevant to the relationship between the city government and contractor and professional services:

1. Uphold the Constitution, laws and regulations of the United States and the State of Georgia and of all governments therein and should never be a party to their evasion
2. Never discriminate unfairly by dispensing of special favors or privileges to anyone, whether for enumeration or not; and never accept for themselves or their families favors or benefits under circumstances which might be construed by responsible persons as influencing the performance of their governmental duties
3. Make no private promises of any kind upon the duties of office, since a government employee has no private work which can be binding on public duty
4. Engage in no business with the government either directly or indirectly which is inconsistent with the conscientious performance of their government duties
5. Never use any information divulged to them confidentially in the performance of governmental duties as a means for making private profit
6. Expose corruption whenever discovered

The primary purpose of the aforementioned is to protect the governmental integrity of the City of Clarkston. Employees of the City of Clarkston must discharge their duties impartially and in such a manner as to assure fair and competitive access to governmental procurement by responsible contractors and professional service firms. In addition, these employees must conduct themselves in such a manner as to foster public confidence in the integrity of the City of Clarkston and the public procurement process.

## B. SPECIFICS

### 1. Criminal Penalties

To the extent that violations of the ethical standards of conduct set forth in this document constitutes violations of State of Georgia criminal code they shall be punishable as provided herein. Such penalties shall be in addition to the civil sanctions set forth herein. Criminal, civil and administrative sanctions against employees or non-employees which are in existence on the effective date of this policy from which this section derives shall not be impaired.

### 2. Employee Conflict of Interest

- (a) It shall be unethical for any city employee to participate directly or indirectly in a procurement contract when the city employee knows or should know that:
  - 1. The city employee or any member of the city employee's immediate family has a financial interest pertaining to the procurement contract; or
  - 2. Any other person, business or organization with whom the city employee or any member of a city employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement contract
- (b) A city employee or any member of a city employee's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to that financial interest.

### 3. Gratuities and Kickbacks

- (a) *Gifts and Gratuities:* Officers and employees of the City are expressly prohibited from accepting from any person, firm, corporation or organization, any rebate or gift that would directly affect the purchase of professional services or contracting for the City, except where given for the use or benefit of the City
- (b) *Contract Clause:* The prohibition against gifts and gratuities prescribed in this section shall be conspicuously set forth in every contract and solicitation thereof.

### 4. Prohibition Against Contingent Fees

It shall be unethical for a person to be retained, or to retain a person, to solicit or secure a city contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees

or bona fide established commercial selling agencies for the purpose of securing business

#### 5. Contemporaneous Employment Prohibited

It shall be unethical for any city employee who is participating directly or indirectly in the procurement process to become or to be, while serving such a city employee, the employee of any person contracting with the governmental body by which the employee is employed.

#### 6. Waivers From Contemporaneous Employment Prohibition and other Conflicts of Interest

The City Council may grant a waiver from Section's III B. 2 or III B.5 upon making a determination that:

- (1) The contemporaneous employment or financial interest of the city employee has been publically disclosed;
- (2) The city employee will be able to perform the procurement functions without actual or apparent bias or favoritism; and
- (3) The award will be in the best interest of the city

#### 7. Use of Confidential Information

It shall be unethical for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person

#### 8. Sanctions

(a) *Employees.* The City Manager may impose any one or more of the following sanctions on a city employee for violations of the ethical standards as stated herein this section:

1. Oral or written warnings or reprimands
2. Suspension with or without pay for specified periods of time
3. Termination

(b) *Non-employees.* The City Council may impose any one or more of the following sanctions on a non-employee for violations of the ethical standards:

1. Written warnings or reprimands
2. Termination of contracts



### 3. Debarment or suspension

## 9. Recovery of Value Transferred or Received in Breach of Ethical Standards

(a) *General Provisions.* The value of anything transferred or received in breach of the ethical standards identified in this policy by a city employee or a non-employee may be recovered from both the city employee and non-employee

(b) *Recovery of kickbacks by city.* Upon showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the awarded or a subcontract or order there under, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the city and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

## **IV. SOLICITATION PROCESS AND EVALUATION OF BIDS/PROPOSALS**

### **A. General**

The procurement of professional services are exempted by state law from bidding requirements and may be subject to exemption from these policies and procedures as identified in O.C.G.A. 36-91-20 (c). The City has chosen to be more restrictive and will advertise for professional services for services estimated to be in excess of \$20,000; except as noted in Section IV. B. 5.

The City subscribes to the Qualifications-Based Selection (QBS) process for professional services. For Engineering and Architectural services, the QBS is an equitable, rational, objective process to obtain the services of a highly qualified professional at a fair and reasonable cost. By using the QBS process, the city chooses to base consultant selection primarily on qualifications. Securing the services of a professional is both an objective and selective process. The quality of engineering or architectural services may lead to lower overall life cycle costs for the project. The guidance for following the process for selection of these types of professional services is provided by ACEC (American Council of Engineering Companies). The process can also apply to other professional services. The QBS process also

recommends a two envelope system whereby the technical and fee proposals are submitted within the same bid package but in separate and sealed envelopes.

The Georgia Local Government Public Works Construction Law; O.C.G.A. 36-91-1, establishes the basic requirements that all local governments must follow when hiring private contractors to perform construction projects other than road construction that is estimated to cost more than \$100,000 to ensure that public works contracts are awarded in a fair and competitive manner. The city will issue and advertise for bids for construction projects in accordance with this law.

O.C.G.A. 32-4-63 (1) outlines the state law that all local governments must follow when hiring private contractors to perform road construction or maintenance projects that cost more than \$20,000. The city will advertise an Invitation to Bid and develop a formal bid package for road construction and maintenance projects estimated to cost \$20,000 or more for work performed by private contractors.

## B. Methods of Procurement

The typical methods of procurement for construction or professional service firms are identified as follows. These methods do not supersede the requirements set forth O.C.G.A. 36-91-20 (c), 36-91-1 or 32-4-63 (1) but instead provides additional emphasis or clarification as necessary:

1. Quote – to be used for smaller dollar items not requiring a formal process and when the city’s requirements are clearly defined. The quotes must be written and can be transmitted via email, fax, mail or other digital formats.
2. Bid – to be utilized when the city’s requirements are clearly defined such as with bidding for horizontal (stormwater and road improvements) or vertical (new or renovation of buildings and similar structures) construction. It is awarded to the most responsive and responsible bidder who offers the lowest price meeting the conditions of the bid document.
3. Pre-Qualification – to be utilized when the city’s requirements are defined; however, there may be unique services or criteria involved that create the need to determine whether a (potential) bidder is indeed a qualified bidder for construction or professional services. Once the Pre-Qualification list has been determined and approved by the City Council, the City’s bid procedures will then be followed.
4. Request for Proposal (RFP) – to be utilized when the city’s requirements are defined, but the means or methods to meet the objectives cannot be clearly

established. It is awarded to the highest ranked provider meeting the established criteria.

5. Negotiated Fee – this approach can be utilized for only professional services when a formal bid, Pre-Qualification or RFP method is not undertaken. Although the preferred method for procuring the services of a Professional Firm is the RFP or Pre-Qualification process, a negotiated fee, including scope, can be utilized when services are clearly defined. Typically, a Negotiated Fee is applied when additional services are needed on an existing contract or when recurring services are needed and a relationship has been established with an existing Professional Firm and the cost associated with changing firms may be more than savings achieved through the purchasing and procurement process.

### C. Invitation for Bid

An invitation for bids shall be issued as required by state or city procurement policy and where such invitation occurs it shall include specifications and all contractual terms and conditions applicable in the procurement

### D. Public Notice

All contracts to be let by public bid must be advertised in accordance with state requirements. In addition to advertising in the city legal organ, the city should place the public notice with other media outlets to ensure adequate publicity.

### E. Required Bonds and Insurance

All contractor and professional service firms selected as being adequately qualified must provide evidence of insurance covering their entire scope of services for any “error or omissions” resulting from their endeavors, to include general liability and workers’ compensation insurance as required by state law. The amounts of such insurance coverage shall be commensurate with the magnitude of the project under consideration and shall be determined by the Director of Finance. All contracting services are required to submit payment, performance and bid bonds

**Bid Bonds:** The City Manager may require a bid bond or other comparable security in the amount of at a minimum of 5% of the submitted bid for any construction project to protect the city if the selected bidder fails to execute an awarded contract. The bid bond, if required, shall be submitted at the time the bid is submitted. If a bidder fails to accompany the submitted bid with the required bid bond or bid security, the bid may be rejected as non-responsive. If the selected bidder fails to execute an awarded contract, the bid bond amount

will be retained by the city to pay for expenses of rebidding the project. The bid bond can take the following forms: certified check, cash, irrevocable letter of credit, or an insurance product from a company authorized to do business in the state of Georgia.

Performance Bond: The City Manager may require a performance bond in the amount of 100% of the submitted bid for any city construction project to provide the city reimbursement if the selected bidder fails to complete the project according to the contract. The performance bond, if required, shall be submitted after being awarded the bid. The period of time required to submit the bond before a “Notice to Proceed” is issued will be identified in the bid documents. A Notice to Proceed will not be issued to the awarded bidder and the award of the contract terminated if a performance bond is not obtained. If the awarded bidder fails to complete the project according to the contract, the performance bond may be “called” and the amount recovered will be retained by the city to complete the project. This bond can take the following forms: cash, certified check, irrevocable letter of credit, or an insurance product from a company authorized to do business in the state of Georgia.

Payment Bond: The City Manager may require a payment bond in the amount of 100% of the submitted bid for any city construction project to protect the city and the contractor’s subcontractors and suppliers. The payment bond, if required, shall be submitted after being awarded the bid. The period of time required to submit the bond before a “Notice to Proceed” is issued will be identified in the bid documents. A Notice to Proceed will not be issued to the awarded bidder and the award of the contract terminated if a payment bond is not obtained. If the awarded bidder fails to pay any of his subcontractors or suppliers who assist in the project, the subcontractors and suppliers may seek recovery against the payment bond, not the city. This bond can take the following forms: cash, certified check, irrevocable letter of credit, or an insurance product from a company authorized to do business in the state of Georgia.

## F. Change Orders

The City may make written change orders to the plans, specifications, scheduling, and performance period of any contract. However, any changes that increase the total dollar amount of the original contract or make a material change or makes a material change to the scope of the project shall be approved by the City Council in a public meeting.

## G. Addendums

The City may revise a solicitation document by issuing an addendum prior to its opening. Acknowledgement of receipt of an addendum shall be returned and enclosed within the bids or proposals that are submitted. Failure to bid or propose in accordance with an addendum shall be cause for rejection of the bid or proposal. In unusual circumstances, the City may

postpone a bid opening in order to notify bidders to give them sufficient time to respond to the addendum.

## H. Conflict of Interest Statements

All contractors and professional firms submitting a quote, bid, proposal or when a negotiated fee occurs, shall be required to submit a Conflict of Interest Statement on a form provided by the city. This form shall be submitted at the time that the bid, quote, proposal or negotiated fee occurs.

## I. E-verify and SAVE Affidavits

All contractors and professional firms submitting a quote, bid, proposal or when a negotiated fee occurs, shall be required to submit a Georgia Security and Immigration Compliance Act / Contractor Affidavit on forms included in the bid or request for proposal documents or if a quote or a negotiated fee procurement method is used, prior to a contract being awarded.

## J. Submitting a Response

Each contractor or professional services firm must carefully follow all instructions included within the formal solicitation documents regarding the proper submission of a response.

**Failure to comply with conditions set forth in the solicitation may result in disqualification.** All City of Clarkston solicitations, with the exception of the Negotiated Contracts and Quotes methods, require the contractor or professional services firm to submit a sealed bid/proposal to a physical address and delivered in a separate envelope or package, completed in ink or typewritten, signed in ink, sealed, and include the following information on the outside of the package or envelope:

<b>TO:</b> City of Clarkston – City Annex <u>ATTN:</u> Director of Finance 1099 Rowland Street Clarkston, Georgia 30021	<b>FROM:</b> Name of Company/Firm Name of Project: _____ Bid/Proposal Closing Date: _____ Time: _____ Solicitation Number (if applicable): _____
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## K. City Attorney Review of Contracts

The City attorney shall review all contracts before presented to city council for consideration.

## L. Quote Process

Quotes may be obtained for contracting or professional services that involve amounts less than \$20,000 and do not require a formal bid or RFP process. However, the process used for any contracting or professional service will include as much competition as is consistent with the intent of the procurement policy and procedures manual document herein. A scope of work is recommended to ensure fair and equitable competition among firms.

## M. Bid Process

The bid process is used for construction services. The bid is awarded to the most responsive and responsible bidder who offers the lowest price and whose bid meets the requirements and criteria set forth in the solicitation. In determining the lowest responsible bidder, the following list shall be considered:

- (a) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (d) The performance quality of previous contracts or services with the City of Clarkston or with other governmental agencies
- (e) The previous and existing compliance of the bidder with laws and ordinances relating to the contract or service;
- (f) The adequacy of the bidder's financial resources and ability to perform the contract or service;
- (g) Lowest price

### Pre-Bid Conferences

- (a) A Pre-Bid/Proposal Conference answers questions from firms and clarifies any confusion concerning difficult specifications requirements
- (b) A Pre-Bid/Proposal Conference ensures that all interested parties to the bid/proposal have equal access to uniform information. If changes/additions/deletions are necessary to the bid documents, the City Manager will issue Addendum addressing the revisions
- (c) Pre-Bid/Proposal Conferences are held at the discretion of the city
- (d) If a Pre-Bid/Proposal Conference is Mandatory, only those firms who attended and signed the appropriate sign-in sheet during the meeting are eligible to submit a bid/proposal. Those recognized as attending a Mandatory Pre-Bid Conference is when the city commences the meeting and identified as such s part of the agenda.

## N. Receiving the Bids

- (a) Bid Opening – sealed bids shall be opened publically in the presence of one or more witnesses at the time and place designated in the solicitation. The amount of each bid, and such other relevant information as may be prescribed by regulation, ordinance or bid documents, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection. The official time of bid opening shall be stated in the bid documents and as determined by the clock in the room designated for the formal bid opening. If no clock is available, time shall be determined as stated by the presiding city official or representative. No bid or bid corrections will be accepted after the stated time deadline.
- (b) Bid Acceptance and Evaluation – Bids shall be submitted in a sealed opaque envelope. Outside of the bid shall contain the elements as identified in Section IV. J.
- (c) In the event that a pre-qualification process is utilized by the city, no bids will be accepted from bidders not previously approved by the city. Notification or pre-approved or disapproval will be made to potential bidders.
- (d) Correction or Withdrawal of Bids; Cancellation of Award – Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel award or contract based on bid mistakes, shall be supported by a written determination by the City Manager or his designate and presented to City Council. The final decision shall be from the City Council
- (e) Cancellation or Rejection of Bids or Proposals - the City Council reserves the right to cancel any outstanding bids prior to the opening of the bids and also reserves the right, after the bid opening but prior to the award of a bid, to reject, in whole or in part, any bids or proposals. Any cancellations or rejections should be consistent with these procurement policies and procedures. A notice of cancellation will be issued if a solicitation is cancelled by the city. Under no circumstances will the city reimburse any bidder or proposer the cost of proposal preparation regardless of whether a bid or proposal is cancelled
- (f) Award – The contract shall be awarded with reasonable promptness to the most responsible and responsible bidder with the lowest cost who meets the requirements and criteria set forth in the solicitation. The recommended award shall be presented to City Council for a final decision.
- (g) The bid process does NOT include negotiations with bidders after the receipt and opening of bids. In the event all bids for a construction project exceed available funds, the City Manager or his designee is authorized to negotiate an adjustment of the bid quantities and/or scope, including changes in the bid requirements with the

lowest bidder in order to bring the bid within the amount of available funds. If the city is unable to negotiate a lower bid with the lowest bidder (in the event ALL bids exceed available funds), the city may begin negotiations with the next lowest bidder and so forth until the city and contractor agrees to a bid price and a contract is established.

- (h) Tie Bids – Tie Bids are low responsive bids from responsible bidders that are identical in price and which all the requirements and criteria set forth in the solicitation. In the event of a tie bid, award shall be made in the best interest of the City of Clarkston as determined by the City Council.

## O. Request for Qualification Process

- A. The Pre-Qualification process may be utilized when the city's requirements are defined; however, there may be unique contractor or professional services or criteria involved that creates the need to determine whether a (potential) bidder is indeed a responsible bidder. Once the Pre-Qualification list has been determined and approved by the City Council, the city's bid or RFP procedures will then be followed
- B. A formal Request for Qualifications (RFQ) for a proposed project will be prepared by the city and distributed to either a select list of firms or advertised. Respondents will indicate their interest in the project and illustrate their relevant project experience and overall capabilities to perform the services required for the project.
- C. The RFQ should include the following:
- A brief description of the proposed project
  - Any special expertise or unusual services that might be required
  - A time schedule for the project, including the selection process to retain the firm
  - A list of selection criteria (location of firm, past experience, financial standing, current workload, references, brief 15-30 minute presentation to a Selection Committee)
- D. Evaluation of the firms should include the following criteria:
- Individual qualifications of personnel as a team
  - Overall experience of personnel as a team
  - Ability of team to perform within time constraints on form workload
  - Firm's awareness of project issues
  - Project teams experience on similar projects
  - Quality of past work
  - Financial stability of firm
  - Project control measures to monitor schedule and budget
  - Location of office facilities
  - Interview/presentation



#### E. Determination of the Pre-Qualified firms

After evaluation of the firms as discussed in the RFQ process, each firm will be deemed either qualified or NOT qualified. The recommended list of qualified firms will be presented to City Council for approval. If the firm was deemed NOT qualified, a detailed explanation as for the reason for disqualification will be provided.

The disqualified firm is entitled to appeal the recommendations and submit a formal protest in accordance with the outline for such protest included within the RFQ.

The recommended list of qualified firms will be presented to the City Council for approval prior to dissemination of the RFP or bid documents

No formal advertisement requirements exist for the prequalification process. Therefore, the window of advertisement will be at the sole discretion of the City. Once a prequalification decision is made, all bid time requirements will be followed.

#### P. Request for Proposal

- (a) The Request for Proposal (RFP) process is primarily used when the city's requirements are defined but the means or methods to meet the objectives cannot be clearly established. Requests for proposals are most applicable to the QBS approach for Professional Services.
- (b) Typical elements of the RFP process is as follows:
  1. The City will prepare the RFP and advertise/post the Notice in accordance with state and city requirements.
  2. RFP's shall contain, at a minimum, the following language;
    - General Requirements
    - Mandatory Requirements
    - Procedures for submitting proposals
    - Evaluation Criteria
    - Scope of services requested and anticipated project schedule
    - City standard terms and conditions
    - Georgia Security and Immigration Compliance Act / Contractor Affidavit
    - Non- Conflict of Interest Statement
  3. All RFP documents, including addendums, will be located on the City web site or available for pickup at the following address and time period:

City of Clarkston – City Hall Annex  
1099 Rowland St  
Clarkston, Georgia 30012  
Monday-Friday  
8:30am – 5:00 PM

4. Perform reference checks
5. Hold Pre-Proposal Conference, Mandatory or Voluntary, if applicable.
6. Prepare evaluation summary for City Council when sealed proposals are opened

#### Q. RFP Evaluation Instructions

##### A. General

Evaluation criteria, although not mandatory in assessing proposals, is recommended for Professional Services who's fee estimates exceed \$20,000. Evaluation Criteria identified in the RFP shall not change unless undertaken through an Addendum process.

- B. Assignment of points and weighting scores for each Evaluation Criteria is at the discretion of the city. In the QBS process, an assignment of points and weighting to fees is permissible but should be less than other criteria such as qualifications, experience, etc. Within the context of the QBS approach, fees can be excluded from the Evaluation Criteria fees are then negotiated with the highest ranked firm that is selected.

- C. An Evaluation/Technical Review Committee should be utilized with the RFP process. The number and composition of committee members will vary depending on the complexity and type of project.

- D. The results of the Evaluation Committee, including the Evaluation Committee's recommendation, shall be submitted to City Council.

#### V. Authority

- (a) The City Manager has discretionary authority to approve dollar amounts for contractor and professional services in the amount not exceeding \$20,000 for individual projects or assignments.
- (b) The City Manager will provide a monthly summary to City Council on all budgeted expenditures that exceed \$20,000.
- (c) All professional and contracting expenditures that exceed \$20,000 requires City Council approval
- (d) All contracts require City Council Approval